REMARKS

General

By the above amendment, Applicant has rewritten Claims to supply omitted steps cited in the Office Action. He has also restructured the Claims, moving some elements into new dependent Claims in order to clarify aspects challenged as obvious by the Office Action. Also, steps were added to Claims 5 and 8 to incorporate material formerly in withdrawn Claim 4.

In the Specification, paragraphs [0107] and [0135] have been expanded to clarify the steps added in response to the Office Action, paragraph [0141] was expanded to clarify the ease with which a Browsing traveler can assume the role of Posting traveler, and paragraph [0162] was expanded to clarify that the synergistic combination of manual and automatic methods is novel and unobvious.

Applicant requests reconsideration of the amended Specification and Claims, and removal of the rejections.

Claim Rejections Under 35 USC § 112

The Office Action rejected Claims 5 and 8 for omitting essential steps, namely how to apply a "predetermined numerical conversion" or how to determine a speed. To remedy this gap, steps 4, 5, and 6 have been added to **Claims 10 and 12**.

In the **Specification**, paragraph [0107] has been modified to further clarify how to determine a speed, and a new sentence has been inserted into paragraph [0135] explaining where this step is accomplished in Figure 7.

Claim Rejections Under 35 USC § 103

Behnke does not enable choosing from presented plans. The Office
Action cites prior patent 4,360,875 to Behnke Claim 2, as enabling the Browsing
user to choose from presented plans. Applicant submits that this is a
misunderstood reference as the **"plurality of possible destinations"** of
Behnke's **Claim 2** is not a list of driver destinations available for choice by the
rider as his Specification does not describe any choice from presented plans but
indeed declares that "The matching process is carried out **automatically** by the
central coordinating station computer... **As soon as a rider has been matched**
with a driver, the computer transmits confirmation messages...". There is no
description of **how users might respond negatively** to one of these
confirmation messages nor what happens if they do, so presumably the result
would be the same as for a failure to match, namely that "Unmatched ride
requests remain in the active transaction file until they are canceled by the rider
or until a predetermined period of time has expired. The rider would then have
to re-enter the request." Moreover his Specification elsewhere asserts that "It is
a further principal objective of the invention to give the public access to
ridesharing vehicles by means of a **highly automated** system. This system
links riders and drivers by telecommunications to data processing equipment
which **automatically and instantly matches** riders with ridesharing
vehicles..." which does not suggest that any **choice** is available to the rider.
Moreover, neither of the two **Examples** displaying user and system dialogs via
the terminal, contain any user-selectable **alternatives** to the single
automatically matched vehicle or rider.

Applicant submits that the actual source of Behnke's Claim 2 "plurality of possible destinations" is unclear, but is perhaps explained in his Specification by this excerpt: "The data storage unit 24 of each privately-owned terminal may contain ... **coded addresses** commonly used in the area, **coded addresses** unique to the users... Publicly accessible terminals likewise contain ...", and again: "The preferred way to enter and process geographic locations corresponding to origins and destinations is to **prestore** commonly used **addresses** ... in the storage unit of the terminal ...". Similarly, each of Claims 17 - 22 recites a "plurality of possible destinations" without suggesting that it is a list of destinations posted by other users, but further recites a process "matching together **a respective driver and ride-user**" who is immediately notified without any further explicit choice.

Amendments In order to address the Office Action rejection of Claims 5 and 8 as being unpatentable over prior patent 4,360,875 to Behnke, Applicant has made these amendments:

Paragraph [0162] in the **Specification** has been modified to point out more clearly the value of:

- Enabling the user to choose an alternative from among presented plans, if she/he does not like the "best" selection chosen by the system.

- Displaying additional data to further inform this selection.

Claim 5 was amended by removing one element (moved into new dependent Claim 10), clarifying the word "quantitatively" in another element, adding two "whereby" clauses to highlight novel effects, and modifying the last "whereby" clause to clarify the meaning of "explicit control". Applicant submits that Claim 5 as amended is novel and **unobvious** over Behnke because:

- It does not necessarily rely upon a **grid** in the area served by the system, but only upon latitude/longitude geographical coordinates, available worldwide and offering compatibility with Global Positioning Satellite Systems. (A postal code grid is **optional** under dependent Claim 9).

- It does not rely upon any predetermined criteria such as the **predetermined geographical limits** of Behnke's matching process. Instead, Claim 5 relies solely upon quantitative plan characterizations with human oversight.

- It enables the Browsing user to select from among several choices, whereas as described above, Behnke's rider has only a **single** option to confirm, or presumably reject if desired.

- It enables users to flexibly specify compatibility criteria with which to screen posted travel plans. Examples of such criteria are given in Specification paragraphs [0146]-[0153].

Claim 9 (based upon withdrawn Claim 2) depends on Claim 5 and provides for substitution by a **postal code** for latitude / longitude as a quantitative characterization of origin or destination. Unlike Behnke's grid coordinates, such codes are not mandatory but merely a convenient **alternative.**

Claim 10 also depends on Claim 5 and was extracted from it. Applicant submits that its processing of **time differences** by conversion to **equivalent distance** differences to further affect the ranking and **ordering** of plans, is novel and **unobvious** over the prior art. In contrast, Behnke treats driver and rider time differences by requiring that they fall within a **predetermined limit** in order for their plans to be **eligible** for a match.

In **Summary**, Applicant submits that the novelty of the present invention is **unobvious** over prior art. and requests reconsideration of the amended Claims and removal of the rejections for the following reasons:

- The characterization of origin and destination in terms of continuously variable geographical coordinates namely **latitude and longitude**, instead of a **predetermined grid** as in Behnke, yields these **unappreciated advantages**:

    o Latitude and longitude are already predetermined and valid everywhere in the world. In order for a grid-based system to work, an appropriately sized grid covering the entire region of interest must be discovered or created.

    o A predetermined grid freezes precision levels in the system, while continuous latitude/longitude coordinates enable characterization with arbitrary precision on a case-by-case basis. The appropriate precision can vary with regional population density (200 feet in cities, 5 miles in the open plains) and user preferences.

- Behnke treats quantitative origin and destination differences by **eliminating** any that fall outside **predetermined geographical limits**. Claim 5 as amended avoids reliance upon inflexible predetermined limits by instead **ranking** and **displaying** the differences. (Behnke's ranking process is internal to the central coordination computer, and part of the filtering process. Only the single highest ranking plan is displayed.)   In the context of ridesharing, this is a **new principle of operation**. Moreover, it enables the Browsing user to make his **own decision** while informed but not constrained by the information inherent in the displayed ranking, and to **dynamically** take into account additional factors if desired, which are heretofore **unappreciated advantages**.

- Behnke similarly treats quantitative **time** differences by **eliminating** any that fall outside **predetermined limits**. Claim 9 factors these time differences into its ranking algorithm, solving an **unrecognized problem** and producing **unexpected results**, namely a display of available plans ordered by a rank most likely to coincide with the **Browsing user's priorities**, and based upon a **minimum** of mandatory user input (origin, destination, and time) but not restricting additional **optional** user input.

- Behnke solves a **different problem**, as he recites a paratransit system that **provides transportation**. The present invention is a **contact** system that instead enables travelers to discover each other in order to negotiate mutually beneficial **sharing**. Behnke's system **constrains drivers** to act as **Posting** users and **riders** to act as **Browsing** users, whereas the present invention enables **either** user to assume **either** role. Further, his system is limited to a local geographic area in which a grid has been defined and user terminals have been distributed, whereas the present invention can be deployed nationwide under Claim 9 and worldwide under Claim 5.

Newly Discovered Prior Art

In response to Examiner's citation of Patent 6,751,548 to Fox et al, Applicant submits that:

- Fox solves a **different problem**, that of matching a required route to stored routes. Unlike the present invention, he does not teach how to acquire and store routes, but recites only the recording of retrieval indexes "If the user stores the route".

- Fox (like Behnke) does not enable choosing from presented plans. Although Fox does teach ordering of routes according to proximity, his Specification emphasizes a "system that is fully automatic", including "full computerization to provide instant automatic results without requiring Human intervention".

- The present invention is novel and unobvious over Fox as it enables users to flexibly specify additional compatibility criteria with which to screen potential matches. Examples of such criteria are given in Specification paragraphs [0146]-[0153].

Prototype

A prototype of the invention is available for the Examiner's inspection at www.DuckTrip.com. This website currently differs from a full operational embodiment in that:

- Its inventory of travel plans is limited to test data placed by the Applicant, and lacks the volume and variety of travel plans anticipated when it becomes better known to the public.

- It may malfunction from time to time, as it is under development. Should the Examiner's inspection be hindered by any such malfunctions, he is urged to telephone the Applicant at 978-465-0697.

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CONCLUSION

For all the above reasons, Applicant submits that the specification and claims are now in proper form, and that the claims all define patentability over the prior art. Therefore he submits that this application is now in condition for allowance, which action he respectfully solicits.

Conditional Request for Constructive Assistance

Applicant has amended the specification and claims of this application so that they are proper, definite, and define novel structure which is also unobvious. If for any reason this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. § 2173.01 and § 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very respectfully,

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20006 Mar. 21